

COASTAL CONSERVANCY

Staff Recommendation
September 15, 2004

Bay Area
Watershed Management/Habitat Protection and Restoration Plan
File No. 04-067
Project Manager: Jeff Melby

RECOMMENDED ACTION: Authorization to disburse up to \$300,000 of Conservancy funds for preparation of a Watershed Management/Habitat Protection and Restoration Plan for the San Francisco Bay Area region.

LOCATION: San Francisco Bay Watershed, including the nine counties of the San Francisco Bay Area (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma) or portions thereof.

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: Project Location

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 – 31164 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three hundred thousand dollars (\$300,000) for preparation of a Watershed Management/Habitat Protection and Restoration Plan for the San Francisco Bay Area region.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160 *et seq.*), regarding the Conservancy’s mandate to address the resource and recreational goals of the San Francisco Bay Area.
 2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy Board on January 24, 2001.”
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PROJECT SUMMARY:

This authorization would enable the Conservancy to develop a Watershed Management/Habitat Protection and Restoration Plan (WMHPRP), in cooperation with the Association of Bay Area Governments (ABAG) and others, for the San Francisco Bay Area region. The WMHPRP would include a compilation and assessment of existing information about sub-watersheds and wetland habitats in the region; identify challenges to their management, protection and restoration in relation to water quality, water supply and flood protection issues; and, identify and prioritize multi-objective projects for implementation using Proposition 50 and other funding sources. The WMHPRP would be a stand alone document that will assist the Conservancy in meeting the San Francisco Bay Area Conservancy Program requirements to identify long-term resource goals and guide future funding of projects that protect, restore, and enhance natural habitats and watersheds. It will be further used as the watershed and habitat component of a Bay Area Integrated Regional Water Management Plan (IRWMP).

The Conservancy is preparing a detailed scope of work for the WMHPRP which will be finalized with input from interested parties. The Conservancy will then contract with ABAG and environmental consultants to prepare separate elements. Existing information from various sources, including the *Baylands Ecosystem Habitat Goals* report, watershed/habitat assessments and planning efforts, and new information as it is developed, such as from the Bay Area Open Space Council's forthcoming Uplands Habitat Goals report, will be incorporated. The level of specificity will vary by sub-watershed and county, and the report will identify data and analytical gaps that should be addressed in an updated, more detailed version. Finally, the WMHPRP would identify and prioritize multi-objective priority projects in need of funding that have one of more of the following objectives:

- protection and improvement of water quality
- removal of invasive non-native plants to reduce the negative impacts of these species on water quality, water supply, or ecosystem health
- creation and enhancement of wetlands
- acquisition, protection, and restoration of open space and watershed lands
- watershed management planning and implementation
- environmental and habitat protection and improvement
- fish passage improvements
- recreation and public access: acquisition and development of facilities to promote public access to and participation in the conservation of land, water, and wildlife resources
- training and research facilities for watershed protection and water conservation activities conducted by nonprofit organizations

ABAG is a Joint Powers Agency of the cities and counties in the Bay Area and as such will provide a direct link with these policy bodies to obtain endorsement of the WMHPRP and the IRWMP. ABAG also maintains a computerized geographical information system (GIS) that can be upgraded with existing and newly developed regional data related to watersheds, water quality, groundwater, habitats, watershed and regulatory plans, proposed water resource development projects, and growth projections.

The Conservancy will assist other public agencies in integrating the WMHPRP findings and recommendations into the larger IRWMP. Ten Bay Area public agencies (Alameda County Water District, Association of Bay Area Governments, Bay Area Clean Water Agencies, Bay Area Water Supply and Conservation Agency, Contra Costa Water District, East Bay Municipal Utility District, San Francisco Public Utilities Commission, Santa Clara Valley Water District, Sonoma County Water Agency, Zone 7 Water Agency) have signed a Letter of Mutual Understandings with respect to their joint efforts towards developing an IRWMP. Other entities, such as environmental groups, and state agencies, such as the Bay Area Regional Water Quality Control Board and the California Bay-Delta Authority, will also be invited to participate.

The IRWMP will be divided into four major components: 1) water supply/water quality; 2) wastewater/recycled water; 3) stormwater management/flood control; and 4) watershed management/habitat protection and restoration. A technical coordinating committee, composed of members preparing each of the four components, including the Conservancy, has been formed to compile the four components into a single, integrated IRWMP.

When completed the IRWMP would include 1) an assessment of regional water management needs; 2) identification of opportunities for regional coordination and collaboration among various entities that have not historically been partners; and 3) recommendations for priority multi-objective projects encompassing water supply reliability, water recycling, water conservation, water quality improvement, storm water capture and management, flood management, recreation and access, wetlands enhancement and creation, and environmental and habitat protection and improvement.

The WMHPRP and the IRWMP would each result in well reasoned, publicly supported recommendations for priority projects that, when implemented, will assist the region in meeting state and federal environmental laws and regional plans related to protection and restoration of habitat for special status and other species, and in improving water quality. The IRWMP would also improve regional competitiveness for State and federal grant funding, as representatives of state resource agencies and state legislators have suggested that state grants and other funding criteria will increasingly involve integrated regional water management planning.

Project History:

The WMHPRP is an obvious outgrowth of other significant regional habitat and watershed planning efforts such as the *Baylands Ecosystem Habitat Goals*, the Regional Water Quality Control Board's *Basin Plan*, the Bay Conservation Development Commission's *San Francisco Bay Plan*, the *Santa Clara Basin Watershed Management Initiative*, and others. These plans share some common objectives and geographic focus, but also distinctive differences in scope and level of detail. Recent legislation and grant programs have identified the need for, and required or encouraged, integrated regional water management planning. For example:

- The Integrated Regional Water Management Act of 2002 (SB 1672, Costa) was designed to facilitate the development of integrated regional water management plans, thereby maximizing the quality and quantity of water available to meet the state's water needs by

providing a framework for local agencies to integrate programs and projects that protect and enhance regional water supplies.

- In November 2002, California voters passed Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002. The IRWM grant program implements Chapter 8 of Proposition 50 (Integrated Regional Water Management projects), California Water Code (CWC) Section 79560 *et seq.* The intent of Chapter 8 of the Proposition 50 is to provide funding for competitive grants for projects to protect communities from drought, protect and improve water quality, and improve local water security by reducing dependence on imported water. DWR and SWRCB have issued draft guidelines for preparation and evaluation of IRWMPs that place great emphasis on identifying projects that integrate multiple objectives.
- The Watershed, Clean Beaches, and Water Quality Act (Division 20.4, section 30901 *et seq.* and Division 21, Chapter 5.5, section 31220 of the Public Resources Code) established the Integrated Watershed Management Program to coordinate and integrate statewide watershed, funding, projects, and programs.

In response to the State's emerging emphasis on integrated regional water management planning, Bay Area public agencies involved with water resource management agreed to develop an IRWMP for the Bay Area. Given the Conservancy's and its partner's integral roles in watershed management, habitat protection and restoration in the Bay Area, Conservancy staff believe it is critical for the Conservancy to participate in development of the Bay Area IRWMP.

PROJECT FINANCING:

WMHPRC

Coastal Conservancy	\$300,000
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Other components of IRWMP

Other sources (estimated)	<u>\$700,000</u>
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Total Project Cost	\$1,000,000
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The anticipated source of Conservancy funds is the fiscal year 2003-2004 appropriation to the Conservancy from the Water Security, Clean Drinking Water, Coastal Beach Protection Fund of 2002 (Proposition 50). Proposition 50 authorizes the use of these funds for the purpose of protecting coastal watersheds through projects to acquire, protect and restore land and water resources that are undertaken pursuant to the Conservancy's enabling legislation. Funds may be used for planning associated with protection, acquisition, and restoration activities (Water Code Section 79570). The proposed project will accomplish these purposes by developing a regional habitat and watershed plan and assisting in the development of an IRWMP for the Bay Area that will identify multi-objective priority projects, including protection, acquisition, and restoration activities, in need of funding.

As also required by Proposition 50, the proposed project is consistent with local and regional watershed plans (Water Code Section 79507). Indeed, the entire thrust of the proposed project is

to develop a document that will not only be used as a planning tool for project development by the Conservancy and its partners, but as the basis for a critical component of an IRWMP that will be adopted by local entities with jurisdiction over public water resources within the San Francisco Bay watershed.

Finally, Conservancy funding for the proposed project is matched by substantial anticipated funding from the ten other involved public entities that will be dedicated to development of other components of the regional water management planning effort.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project would be undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Sections 31160-31164, to address resource goals in the Bay Area.

Public Resources Code Section 31162 authorizes the Conservancy to undertake projects and award grants in the nine-county San Francisco Bay Area that meet specified goals. Under §31162(b), the Conservancy may act to protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional significance. The proposed project would achieve this objective by identifying multi-objective, priority projects in need of funding, involving protection, restoration, and enhancement of natural habitats and connecting corridors, watersheds, and open space.

Consistent with the goals specified in §31162(c), development of the WMHPRP and IRWMP would implement the policies and programs of the *San Francisco Bay Plan*, as described in the "Consistency with the San Francisco Bay Plan" section of this staff recommendation.

Likewise, under §31162(d), the Conservancy may act to promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes. This project would provide a plan for acquisition and protection of open space resources for recreational purposes.

The project is also consistent with §§31163(a) and (b), that direct the Conservancy to participate in and support interagency actions and public/private partnerships in the San Francisco Bay Area for the purpose of implementing long-term resources and outdoor recreational goals.

Finally, the project satisfies all of the criteria for determining project priority under §31163(c), as follows: (1) is supported by adopted regional plans (*San Francisco Bay Plan*, *San Francisco Baylands Ecosystem Habitat Goals Report*, and the *Water Quality Control Plan* for the San Francisco Bay Basin); (2) is multi-jurisdictional (spanning nine counties) and serves a regional constituency; (3) can be implemented in a timely way (preparation of the WMHPRP and the IRWMP are expected to take less than two years); (4) provides opportunities for benefits that could be lost if the project is not quickly implemented (integrated, long-term planning is necessary to leverage funds and achieve watershed and habitat goals in a timely manner); and (5) includes matching funds (described under Project Financing).

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 9 Objective A** of the Conservancy's Strategic Plan, the proposed project would help the Conservancy maintain an updated list of identified high-priority areas for the Bay

Program.

Consistent with **Goal 10, Objective B**, the proposed project would develop a plan for all watersheds draining to the San Francisco Bay.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** This project is supported by ABAG, representing cities and counties of the Bay Area and nearly all of the region's population.
4. **Location:** The plan addresses the nine-county San Francisco Bay Area, all within the jurisdiction of the San Francisco Bay Area Conservancy Program.
5. **Need:** The financial support and participation of the Conservancy are critical for development of the WMHPRP because no other funding sources for this effort have been identified.
6. **Greater-than-local interest:** The IRWMP will facilitate coordination, collaboration and communication among various water resource related entities throughout the San Francisco Bay Area.

Additional Criteria

7. **Urgency:** Grants awarded to eligible projects through the Proposition 50 IRWM grant program are required to be consistent with an adopted IRWMP. The Bay Area does not currently have an IRWMP. Consequently, completion of a Bay Area IRWMP would facilitate funding eligibility for water-related projects in the Bay Area to be implemented by the Conservancy or its partners.
8. **Resolution of more than one issue:** The IRWMP would identify multi-objective projects for implementation (e.g., habitat restoration, water quality improvement, flood control, and enhanced recreational opportunities).
9. **Leverage:** See the "Project Financing" section above.
10. **Conflict resolution:** The IRWMP would facilitate coordination, collaboration and communication among various water resource related entities throughout the San Francisco Bay Area, and thereby enhance resolution of water-related conflicts.

11. **Innovation:** Development of a Bay Area IRWMP would initiate a new paradigm for coordinating efforts to protect and enhance water resources and facilitate identification and implementation of critical multi-objective, multi-agency projects.
12. **Readiness:** The Conservancy is ready to proceed immediately with development of the WMHPRP. Development of the other components of the IRWMP is already in progress.
13. **Realization of prior Conservancy goals:** This project builds on the Conservancy's participation in the development of the *San Francisco Baylands Habitat Goals Report*, which has goals, objectives, and recommendations for restoration in the San Francisco Baylands.
15. **Cooperation:** The Conservancy and its partners will work closely with various Bay Area entities (e.g., agencies, nongovernmental organizations) in developing the IRWMP.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

The project is consistent with the following policies of BCD's San Francisco Bay Plan:

Part III

Water Quality

1. Bay water pollution should be prevented to the greatest extent feasible. The Bay's tidal marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality. Fresh water inflow into the Bay should be maintained at a level adequate to protect Bay resources and beneficial uses.
2. Water quality in all parts of the Bay should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the San Francisco Bay Regional Water Quality Control Board's *Water Quality Control Plan, San Francisco Bay Basin* and should be protected from all harmful or potentially harmful pollutants.

COMPLIANCE WITH CEQA:

As a planning activity for possible future actions that have not been approved, adopted, or funded, this project is categorically exempt from California Environmental Quality Act (CEQA) review under 14 California Code of Regulations Section 15262. Similarly, the project is statutorily exempt from CEQA review under Section 15306, which exempts basic data collection, research, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

Upon Conservancy approval of the proposed project, staff will file a Notice of Exemption.